

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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In the Matter of )  
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Schools and Libraries Universal Service )  
Support Mechanism )  
\_\_\_\_\_ )

CC Docket No. 02-6

**PETITION FOR THE WAIVER OF E-RATE RULES CONCERNING**

- **INCLUSION OF ALL ENTITIES TO RECEIVE SERVICE ON THE BLOCK 4 OF THE ORIGINAL FORM 471 UNDER THE SCHOOLS AND LIBRARIES UNIVERSAL SERVICE SUPPORT MECHANISM WITH RESPECT TO FY 2007 FORMS 471 #585165, 550299, and 586416, AND**
- **THE ABILITY TO CHANGE APPLICATION TYPE AFTER SUBMISSION OF THE FORM 471 WITH RESPECT TO FY 2008 FORMS 471 #606647 AND 634554**

**Filed by the Recovery School District, Entity #16042306, and New Orleans Public Schools, Entity #139223**

**ENTITIES TO RECEIVE SERVICE**

**Background**

Funding Year (FY) 2007 Forms 471 #585165, 550299, and 586416 were filed in February 2007 for public schools in the New Orleans Metropolitan Area under the administrative jurisdiction of either New Orleans Public Schools or the Recovery School District.

New Orleans Public Schools had been the administrative authority for all public schools in Orleans Parish until recent years. However, the State of Louisiana determined that a number of NOPS schools were failing and enacted legislation in 2003 to create the Recovery School District (RSD) to assume administration of those schools. RSD took control of the failed NOPS schools beginning with School Year 2006-2007. Of course, the consequences of Hurricane Katrina in August 2005, which devastated the City of New Orleans, complicated many times over the challenge to the RSD to make successes of the schools for which it assumed responsibility.

RSD and NOPS each filed Forms 471 for FY 2007. In February 2007, when the Forms 471 had to be filed, when the city was still severely disrupted by the effects of Hurricane Katrina and building damage assessments were still underway, no one knew which school buildings were going to be operable by September 2007, the number of students that would return to the area, and/or where school operators would be located. Best guesses were made in February 2007, but by later in 2007, it was clear that ten schools that the RSD had not included in the Blocks 4 of the above-referenced FY 2007 Forms 471 would be in operation in FY 2007. In the months following the filing of the application, the RSD sought to add those ten schools to the Blocks 4 but has since been advised that such additions go beyond the ministerial and clerical corrections that USAC is authorized to make to Forms 471. Therefore, we submit this petition for waiver to authorize the addition of these schools – and funding for them – to the above-referenced FY 2007 Forms 471. The schools to be added and a description of the circumstances surrounding those schools in 2007 are set out below:

- A. **Pierre A. Capdau Charter School** (Entity # 16051014): As a result of Hurricane Katrina, the majority of school buildings in the New Orleans area sustained significant damages. A limited number of schools with minor damages were able to be reestablished for a quick opening. As the population of families continued to increase, it was necessary to accelerate the opening of additional schools. This site was fast tracked for renovations to provide student seats for the returning population.
- B. **G.W. Carver Elementary School** (Entity # 164485): With the continued increase of student population and the lack of existing school buildings eligible for fast track renovations, the RSD was faced with acquiring temporary modular campuses. These campuses were procured and structured in less than 6-months to meet the student's educational needs. This school was the site of one such modular campus.
- C. **G.W. Carver High School** (Entity # 16050966): With the continued increase of student population and the lack of existing school buildings eligible for fast track renovations, the RSD was faced with acquiring temporary modular campuses. These campuses were procured and structured in less than 6-months to meet the student's educational needs. This school was the site of one such modular campus.
- D. **Fannie C. Williams Elementary School** (Entity # 80195): With the continued increase of student population and the lack of existing school buildings eligible for fast track renovations, the RSD was faced with acquiring temporary modular campuses. These campuses were procured and structured in less than 6-months to meet the student's educational needs. This school was the site of one such modular campus.
- E. **Gentilly Terrace Elementary School** (Entity # 16050977): After Hurricane Katrina, the majority of school buildings in the New Orleans area sustained significant damages. A limited number of schools with minor damages were able to be reestablished for a quick opening. As the population of families continued

to increase, it was necessary to accelerate the opening of additional schools. This site was fast tracked for renovations to provide student seats for the returning population.

- F. **Gregory Elementary School** (Entity # 16050978): With the continued increase of student population and the lack of existing school buildings eligible for fast track renovations, the RSD was faced with acquiring temporary modular campuses. These campuses were procured and structured in less than 6-months to meet the student's educational needs. This school was the site of one such modular campus.
- G. **Livingston High School** (Entity # 80178): With the continued increase of student population and the lack of existing school buildings eligible for fast track renovations, the RSD was faced with acquiring temporary modular campuses. These campuses were procured and structured in less than 6-months to meet the student's educational needs. This school was the site of one such modular campus.
- H. **St. Julian Elementary** (Entity # 16048445): As the population of New Orleans continued to increase, there was a need for additional student seats. The RSD was able to sublease this school building for additional seats.
- I. **Welcome School** (Entity # 16048443): As the population of New Orleans continued to increase, there was a need for additional student seats. The RSD was able to sublease this school building for additional seats.
- J. **Schwarz Alternative High School** (Entity # 16051015): As a result of Hurricane Katrina, the majority of school buildings in the New Orleans area sustained significant damages. A limited number of schools with minor damages were able to be reestablished for a quick opening. As the population of families continued to increase, it was necessary to accelerate the opening of additional schools. This site was fast tracked for renovations to provide student seats for the returning population.

In summary, the above school locations were warranted and turned around in a short, defined period. These sites were not in RSD's plans in February 2007 as the available demographic information did not adequately portray the return of the New Orleans population post-Hurricane Katrina. Student registration continued to increase on a daily basis throughout the 2006 school year thus warranting the immediate need for additional student seats.

### **Request**

We ask that the FCC waive its rules that restrict the ability of USAC to add these ten schools to the Blocks 4 of the above-referenced Forms 471 and that USAC add these entities and the dollars associated with them to the Forms 471.

### **CHANGE TO APPLICATION TYPE**

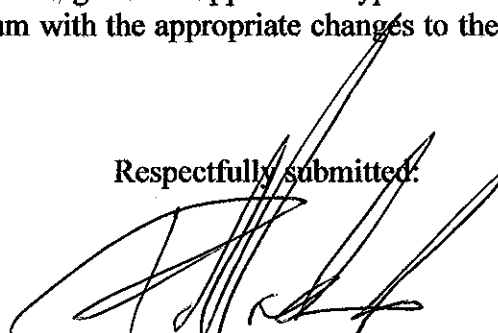
### **Background**

The Wright Middle School is an RSD school that receives its telecommunications services via the NOPS network. RSD mistakenly included the Wright School on its FY 2008 Forms 471, but has since requested USAC to remove that entity. NOPS also included the Wright School on its Forms 471, but mistakenly categorized those Forms 471 as School District applications. They should have been classified as Consortium applications. We have been advised that such a change to a Form 471 goes beyond the ministerial and clerical corrections that USAC is authorized to make to Forms 471.

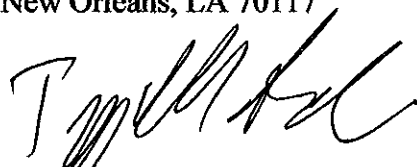
### **Request**

We submit this petition for waiver to authorize the change of the application type on NOPS' FY 2008 Forms 471 from School District to Consortium with the appropriate changes to the Blocks 4.

Respectfully submitted:



Rayne Martin  
Chief of Staff  
Recovery School District  
1641 Poland Avenue  
New Orleans, LA 70117



Peggy Villars Abadie  
Director, Information Technology  
New Orleans Public Schools  
3520 General DeGaulle Drive  
5th Floor  
New Orleans, LA 70114

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